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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/298,417	04/23/1999	LYNN HOLM-BLAGG	06042-0130	2032

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EXAMINER

BASHORE, ALAIN L

ART UNIT

PAPER NUMBER

3624

DATE MAILED: 06/09/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

HN

**Office Action Summary**

Application No.

09/298,417

Applicant(s)

HOLM-BLAGG ET AL.

Examiner

Alain L. Bashore

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 9-22 and 62-75 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 9-22 and 62-75 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
 If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) ☐ All b) ☐ Some \* c) ☐ None of:  
 1. ☐ Certified copies of the priority documents have been received.  
 2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.  
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
 \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  
 a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)                      4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_.
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)                      5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_.
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Restart of time period***

1. The time period for response is restarted with the mailing of this office action. References to Embrey and Garrison et al inadvertently missing from the previous office action are hereby included.

### ***Claim Rejections - 35 USC § 101***

2. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

3. Claims 62-66 are rejected under 35 U.S.C. 101 as non-statutory. The method claims as presented do not claim a technological basis in the body of the claim. While the specification discloses such a basis, there is no basis claimed. Without a claimed basis, the claim may be interpreted in an alternative as involving no more than a manipulation of an abstract idea and therefore non-statutory under 35 U.S.C. 101. In contrast, a method claim that includes in the body of the claim at least one structural / functional interrelationship which can only be computer implemented is considered to have a technological basis [See Ex parte Bowman, 61 USPQ2d 1669, 1671 (Bd. Pat. App. & Inter. 2001) – used only for content and reasoning since not precedential].

### ***Claim Rejections - 35 USC § 103***

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4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 9-22, 62-75 are rejected under 35 U.S.C. 103(a) as obvious over Embrey in view of Musmanno et al in further view of Garrison et al.

Embrey discloses a method for applying a group payment (col 13, lines 60-61) to a group (17) comprising a plurality of accounts. There is determined which accounts are included in the group payment allocation wherein determining that the payment is a group payment includes identifying one or more accounts to which the payment is associated and determining that the one or more accounts are associated with the group (col 8, lines 60-67). The group payment is compared to the group balance (col 26, lines 25-50). There is described calculating the group payment allocation then applying the group payment to the accounts included in the group payment allocation (col 12, lines 54-59). The group balance may be an aggregate (col 12, lines 59-62) and a report is made including a last statement balance (col 13, lines 1-14).

Embrey does not explicitly disclose:

accounts spanning a plurality of products;

intentionally identifying a payment option;

a group balance that may further be: a minimum payment, or a delinquency amount.

accounts including a key account and a dependent account;

determining whether payment for the dependent account is due from a primary owner for the group or from a dependant cardholder associated with the dependant account; and

if payment for the dependant account is due from the group, there is applied the group payment to the key account and the dependent account.

Musmanno et al discloses: accounts spanning a plurality of products (col 1, lines 62-67), accounts including a key account and a dependent account (col 3, lines 40-55), determining whether a transaction for the dependent account is due from a primary owner for the group or from a dependant cardholder associated with the dependant account (col 4, lines 31-34), and if the transaction for the dependant account is due,

there is applied the group payment to the key account and the dependent account (col 4, lines 35-44).

It would have been obvious to one with ordinary skill in the art to include accounts spanning a plurality of products to Embrey because Musmanno et al teaches that is common for a group (customers) to have a plurality of products (col 1, lines 65-66).

It would have been obvious to one with ordinary skill in the art to include accounts having a key and dependent accounts to Embrey because Musmanno teaches the advantages of key/dependencies for financial goals (col 3, lines 5-10).

It would have been obvious to one with ordinary skill in the art to include determining whether payment for the dependent account is due from a primary owner for the group or from a dependant cardholder associated with the dependant account to Embrey because legal obligations that must be determined of transactions for key/dependencies, such as fees as taught by Musmanno et al (col 4, lines 34-67; col 5, lines 1-12).

It would have been obvious to one with ordinary skill in the art to include if payment for the dependant account is due from the group, there is applied the group payment to the key account and the dependent account to Embrey because

Musmanno et al teaches that in setting up a key/dependency accounts, responsibilities are determined (col 3, lines 22-39; col 4, lines 34-44; col 5, lines 22-33).

Garrison et al discloses identifying a payment option ( col 5, lines 20-34).

It would have been obvious to one with ordinary skill in the art to include identifying a payment option to Embrey for the purposes of financial convenience.

### ***Response to Arguments***

6. Applicant's arguments with respect to claims have been considered but are moot in view of the new ground(s) of rejection.

### ***Conclusion***

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alain L. Bashore whose telephone number is 703-308-1884. The examiner can normally be reached on about 7:00 am to 4:30 pm (Monday thru Thursday).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vincent Millin can be reached on 703-308-1065. The fax phone numbers for the organization where this application or proceeding is assigned are 703-305-7687 for regular communications and 703-305-7687 for After Final communications.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-1113.



Alain L. Bashore  
June 4, 2003